

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-5334

AN ACT CONCERNING THE ONLINE SALE AND DELIVERY OF ELECTRONIC
Title: NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.

Vote Date: 3/10/2020

Vote Action: Joint Favorable

PH Date: 3/3/2020

File No.:

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SPONSORS OF BILL:

Committee on Children

REASONS FOR BILL:

Online sellers of electronic nicotine systems and vapor products will be required to have purchasers of these products to provide identification at the time of purchase, and ensure that the name on such identification matches the name on the method of payment used to make the purchase.

RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

NATURE AND SOURCES OF SUPPORT:

Connecticut Association of Boards of Education, Inc.

This bill is supported. The use of tobacco and vaping products poses a serious health risk to the students of CABA and CABA supports all efforts to reduce student access to these products.

Connecticut Hospital Association

CHA is supportive of measures that deter youth smoking as they know that the best way to reduce health-associated harm caused by smoking is to abstain from smoking altogether, or, at a minimum, delay the start of smoking. CHA has recommended the following revision. CHA recommends that the committee consider amending the definition of *electronic nicotine*

delivery system to avoid interference with the use of nebulizers and other medicines and therapies.

Jim Williams, Government Relations Director, American Heart Association

This bill is supported. Smoking is the #1 cause of heart disease. 480,000 state residents, or 18.4% of the adult population used some form of tobacco on one or more of the past thirty days, and an estimated 4,900 adults die in CT each year as a result of their own smoking. Currently, 10.3% of CT High School students smoke, and 1,300 kids under the age of 18 become new daily smokers each year. Smoking not only kills CT residents but is also associated with some staggering monetary costs. \$2.3 billion in annual health care costs in CT are directly caused by smoking, \$520.8 million of which is covered by the state Medicaid program. The federal and state tax burden for residents from smoking-caused government expenditures is \$853 per household.

Bryte Johnson, Connecticut Director of Government Relations, American Cancer Society Cancer Action Network

This bill is supported. The following recommendation is made, amend the bill to include a prohibition on the delivery of all tobacco products, including e-cigarettes, cigars, cigarillos, smokeless tobacco, hookah, and all others, directly to a consumer and instead require any online sales be shipped to an in-state licensed retailer to which the consumer would need to go and be age verified by the retailer before picking up their purchase. Finally, requirements and enforcement provisions should be in place that no online retailer can sell or ship tobacco products to Connecticut without first registering with the Department of Consumer Protection just as in- state retailers are required to do.

Kate Rumbaugh, State Government Affairs, JUUL Labs, Inc.

This bill is supported. JLI shares a common goal with policymakers, regulators, parents, school officials, and community stakeholders - combating the underage use of tobacco and ENDS products, including JUUL products. Online sales in which ENDS manufacturers receive orders from adult customers through an Internet website and ship products directly to the age-verified purchaser has some benefits. To make a purchase on JUUL.com, a customer must first enter a phone number and verify physical ownership of it by entering a code sent to that number. Once the number is verified, the customer must then enter their legal name, date of birth, current address and the last four digits of their Social Security Number. That information is combined with the verified phone number and checked against publicly available databases to confirm that the information is of an adult, and that the customer is that adult. If the customer does not have or will not provide a social security number, or if their information does not fully match, then they are asked to upload a picture of their government issued ID and a real-time photo of themselves. This process again confirms that (1) the information is of an adult, and that (2) the customer is that adult. The ID and real-time photo are checked by both computer algorithms and two human reviewers, ensuring a robust verification process. The name associated with a profile must match the name on the credit card, billing address, and shipping address. The age verification process online can take up to 5 minutes, allowing a more thorough examination of the ID and real-time photo. It is recommended that a quantity purchase limit that restricts the amount of product that age-

verified adults can be obtained in a single transaction, as well as over an established period of time (e.g., month) be established.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Theresa Mazzuca

Date: 4/16/2020